## **United States Department of Labor Employees' Compensation Appeals Board**

| R.T., Appellant   | )   |
|---|---|
| and   | ) Docket No. 22-0054<br>) Issued: November 29, 2021 |
| DEPARTMENT OF HOMELAND SECURITY,<br>CUSTOMS & BORDER PATROL,<br>El Paso, TX, Employer | ) ) ) ) ) )   |
| Appearances: Appellant, pro se Office of Solicitor, for the Director                  | Case Submitted on the Record                        |

## ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge

On October 14, 2021 appellant filed an appeal from a July 17, 2019 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0054.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act. For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision. <sup>2</sup>

The 180<sup>th</sup> day following the July 17, 2019 decision was January 13, 2020. As appellant did not file an appeal with the Board until October 14, 2021, more than 180 days after the July 17, 2019 OWCP decision, the Board finds that the appeal docketed as No. 22-0054 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>&</sup>lt;sup>2</sup> *Id.* at § 501.3(e).

explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0054 is dismissed.

Issued: November 29, 2021 Washington, DC

Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>3</sup> *Id.* at § 501.6(d).